IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

SECOND APPEAL NOS. 488 OF 2006

Jaysing Ramdas Jadhav vs. Dayaram Parashuram Jadhav

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
OCTOBER 30, 2007.

Heard Shri Chandurkar, learned counsel for the appellant.

The challenge is to concurrent judgments and decrees delivered by the Courts below holding that the present appellant obstructed present respondent – original plaintiff in cultivation of suit field and thereby the respondent – plaintiff could not sow crops and earn anything for the years 1996-97 and 1997-98. Shri Chandurkar, learned counsel has restricted his prayer to the quantum of damages to contend that amount of Rs.40,000/- granted to the respondent is excessive.

With his assistance I have perused para 17 of the judgment of the trial Court and para 12 of the judgment of appellate Court.

The field in relation to which relief has been claimed ad measures 1 H 31 R i.e. 3 Acres and the case of plaintiff was that he is put to loss of Rs.60,000/- in both the years but he has restricted his claim to Rs.40,000/- only.

I find that the trial Court has considered the evidence about the quantum and price of cotton and hybrid jowar, tur etc. in his field and thereafter has arrived at this finding. The finding is, therefore, based upon the available evidence. In any case, no substantial question of law arises on that count. Second Appeal is, therefore, dismissed. No order as to costs.

JUDGE

*GS.